

Exhibit “A”

Kenneth McLellan

From: Kenneth McLellan
Sent: Monday, February 20, 2023 6:43 PM
To: Alex Kaufman
Cc: Keith Roussel; eunderriner@hallboothsmith.com
Subject: Garmashov v .USPA
Attachments: 2023.02.20, Letter to A. Kaufman.pdf; 2023.02.21 Garmashov Settlement Agreement, Proposed.pdf

Tracking:	Recipient	Delivery
	Alex Kaufman	
	Keith Roussel	Delivered: 2/20/2023 6:43 PM
	eunderriner@hallboothsmith.com	

Mr. Kaufman-

Annexed please find an updated and revised proposed settlement agreement and stipulation of dismissal with prejudice. Please review the attached, and let us know your thoughts.

Thank you.

-Ken

Very truly yours,

Kenneth A. McLellan
Partner
(Admitted in NY and NJ)
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February 20, 2023

VIA EMAIL ONLY
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Alex B. Kaufman, Esq.
Chalmers, Adams, Backer & Kaufman, LLC
11770 Haynes Bridge Road #205-219
Alpharetta, GA 30009-1968
T: 404-964-5587

Re: Matter: Garmashov, Yuri v. USPA, Inc.
Venue: U.S. District Court,
Southern District of New York,
Docket No.: 1:21-CV-04917
Our File No.: 03021-26769

Dear Mr. Kaufman:

We hope this letter finds you well.

As you know, we represent the United States Parachute Association, Inc. (“USPA”) in the above-referenced matter.

As you are aware, we recently filed a request for a conference with Magistrate Judge Wang. (Dkt. 64). Thereafter, you filed a motion seeking to hold the USPA in contempt. (Dkt. 65). Mag. Judge Wang then stayed your motion and set down this matter for an in-person conference on April 4, 2023, in the Southern District of New York. (Dkt. 66).

We write as part of our continuing good faith effort to finalize and close this matter. We understand that your goal at this time is to secure a settlement payment for your client without further delay and close this case. Our goal is to ensure that we have an agreement in place that protects the USPA, Inc., and is in accordance with Judge Koeltl’s order of November 29, 2022 (Dkt. 63). With that agreement in place, the USPA, Inc., will be enabled to issue a settlement payment in an expedited fashion via wire transfer, as you have requested.

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We have no interest in rehashing prior debates about the agreement. Like you and your client, we and the USPA desire to close out this case as soon as possible, without the need for further Court intervention.

To that end, we have prepared a revised, streamlined and simplified settlement agreement that we hope will set the stage for resolution of this matter hopefully by the end of this month, and well before the April 4, 2023 conference date set by the Court.

The agreement contains a proposed accelerated timetable for payment upon execution, i.e., wire transfer within three (3) business days of Mr. Garmashov's execution of the settlement agreement.

A confidentiality provision remains in the proposed agreement. Though the Court has revealed the monetary amount of the settlement, it can still be kept confidential. The amount does not have to be broadcast by Mr. Garmashov, and, to that end, we have included a mutual non-disparagement agreement.

Lastly, release language addressing any application of California Civil Code Section 1542 has been included. Originally, this case was pending in California and was dismissed without prejudice, and the claims in the New York Complaint are based, in part, upon a California statute. Accordingly, in order to protect the USPA, we have included that language.

Judge Koeltl's Order of November 29, 2022, contemplated entry into a settlement agreement.

Please review the terms of the latest draft of the agreement and advise of your position.

You can respond by email, or, if you wish to have a telephone conference, we can make ourselves available. Wednesday, February 23, 2023 at 10AM would be the best time for us to discuss this week. If that date is not available, then we can set a mutually convenient date/tine next week.

Thank you for your attention to this matter. Please feel free to contact me directly with any questions either by email mclellan.k@wssllp.com or my cell phone 646-265-4894.

Very truly yours,

/s/ Kenneth A. McLellan

Kenneth A. McLellan

Garmashov v. USPA
Our File No.: 03021-26769
February 20, 2023
Page 3 of 3

KAM:tms

Encs.

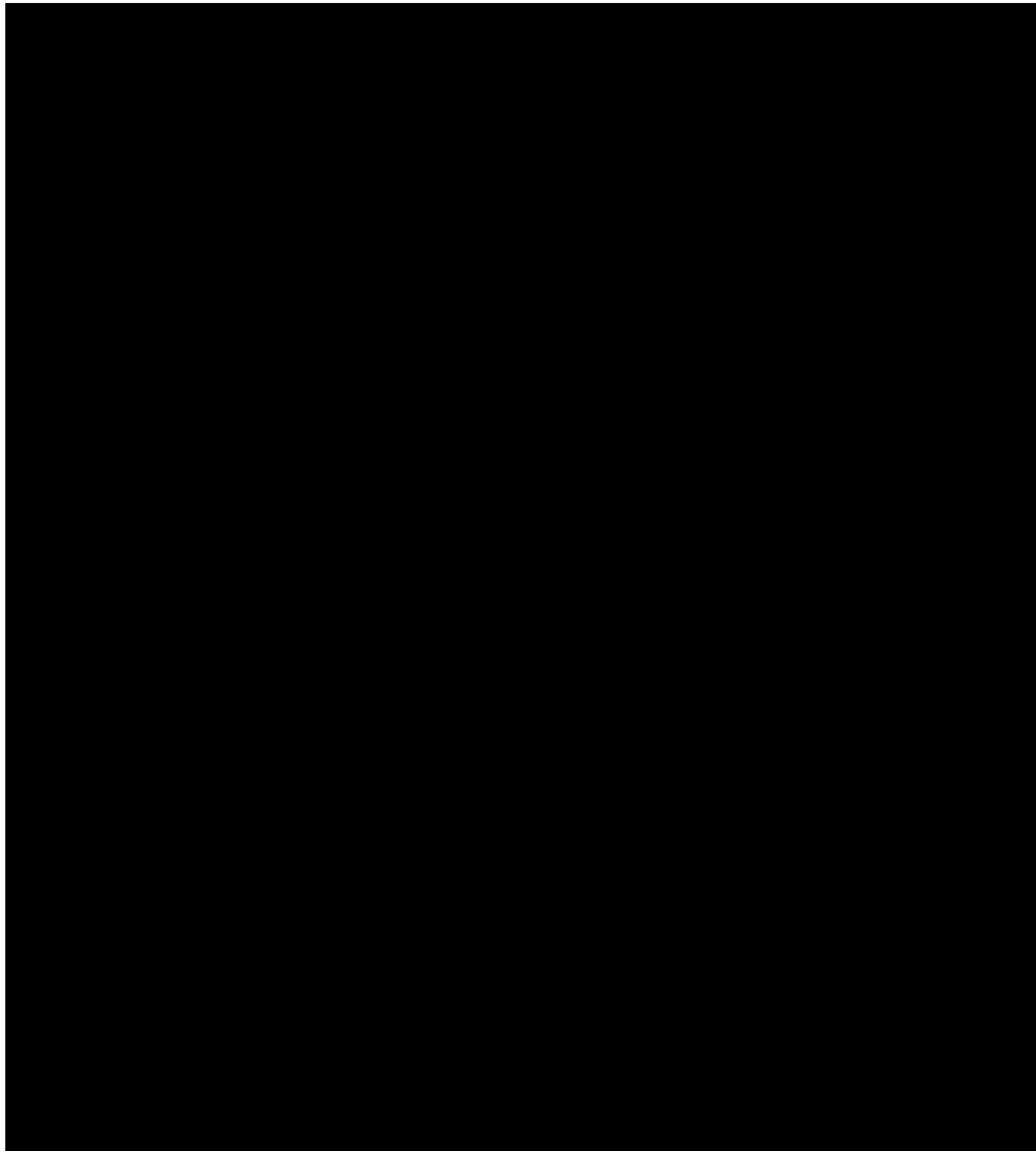
cc with Encs. via e-mail only:

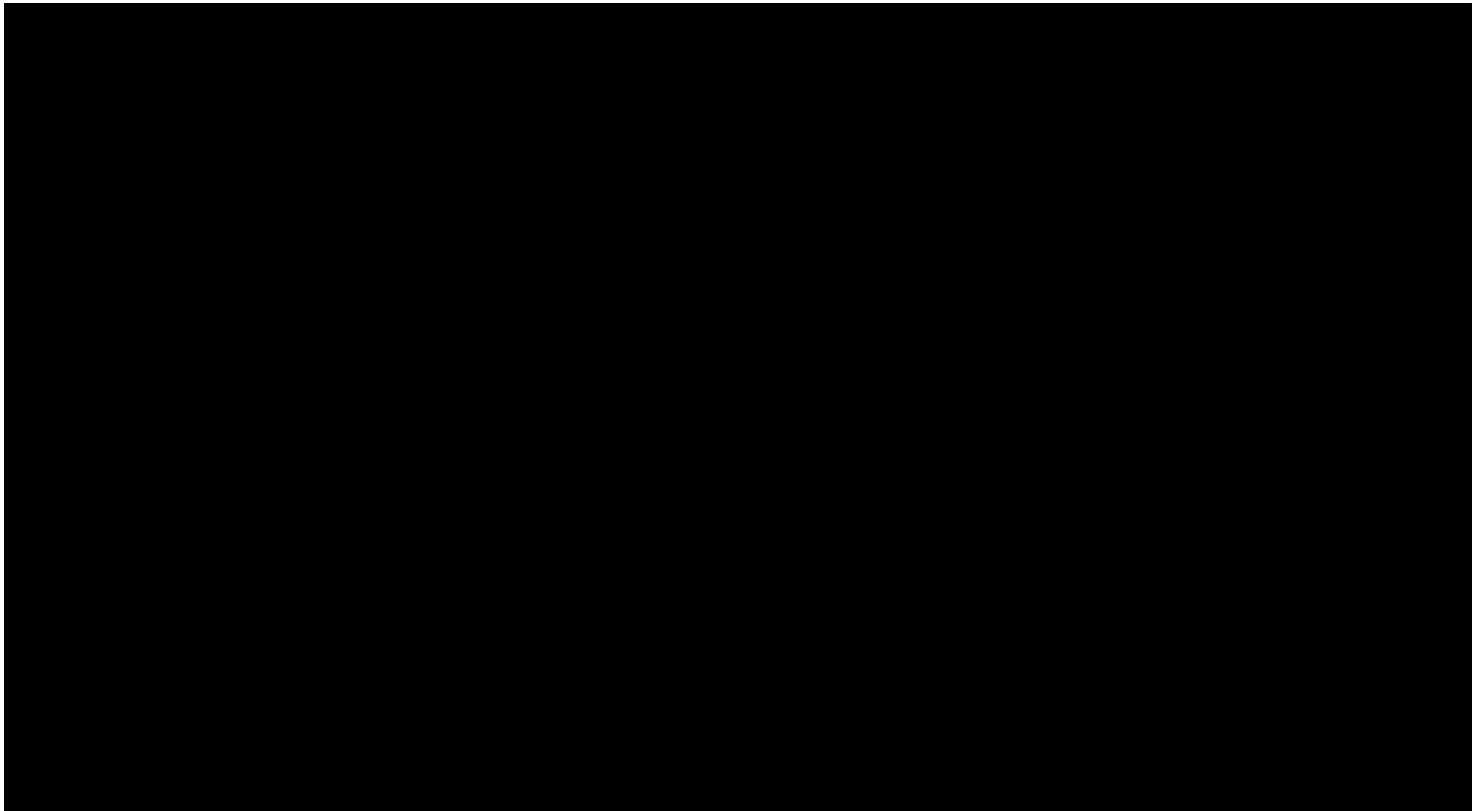
Outgoing Counsel of Record for Plaintiff

Eric M. Underriner, Esq.
Hall Booth Smith, P.C.
2710 Old Milton Parkway
Suite 200
Alpharetta, GA 30009

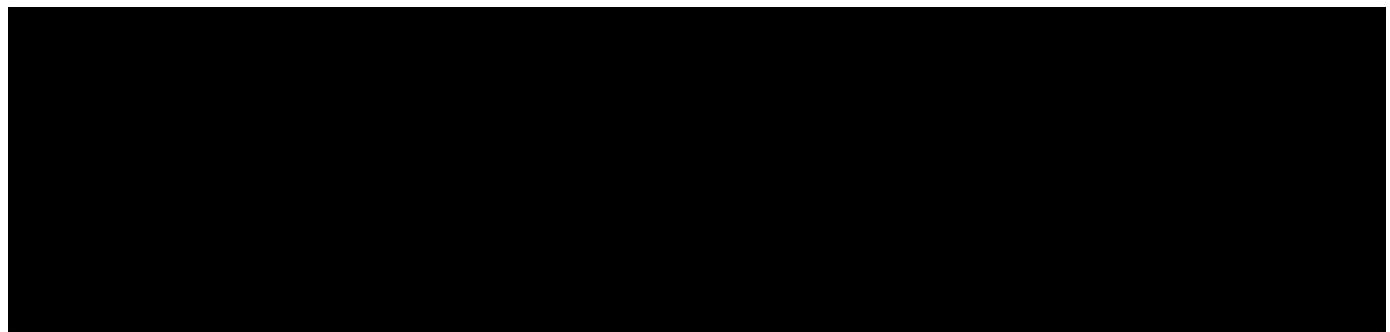
Email: eunderriner@hallboothsmith.com
T: 404.586.6624

CONFIDENTIAL SETTLEMENT AND MUTUAL RELEASE AGREEMENT

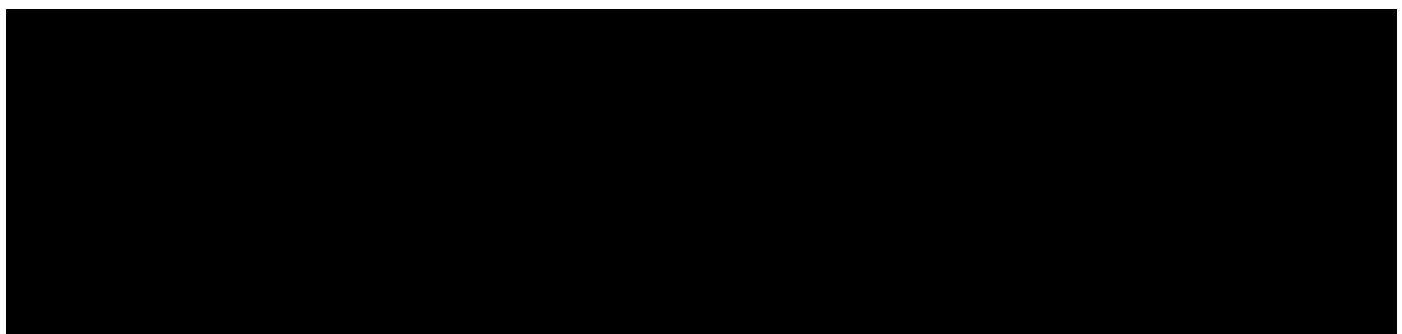




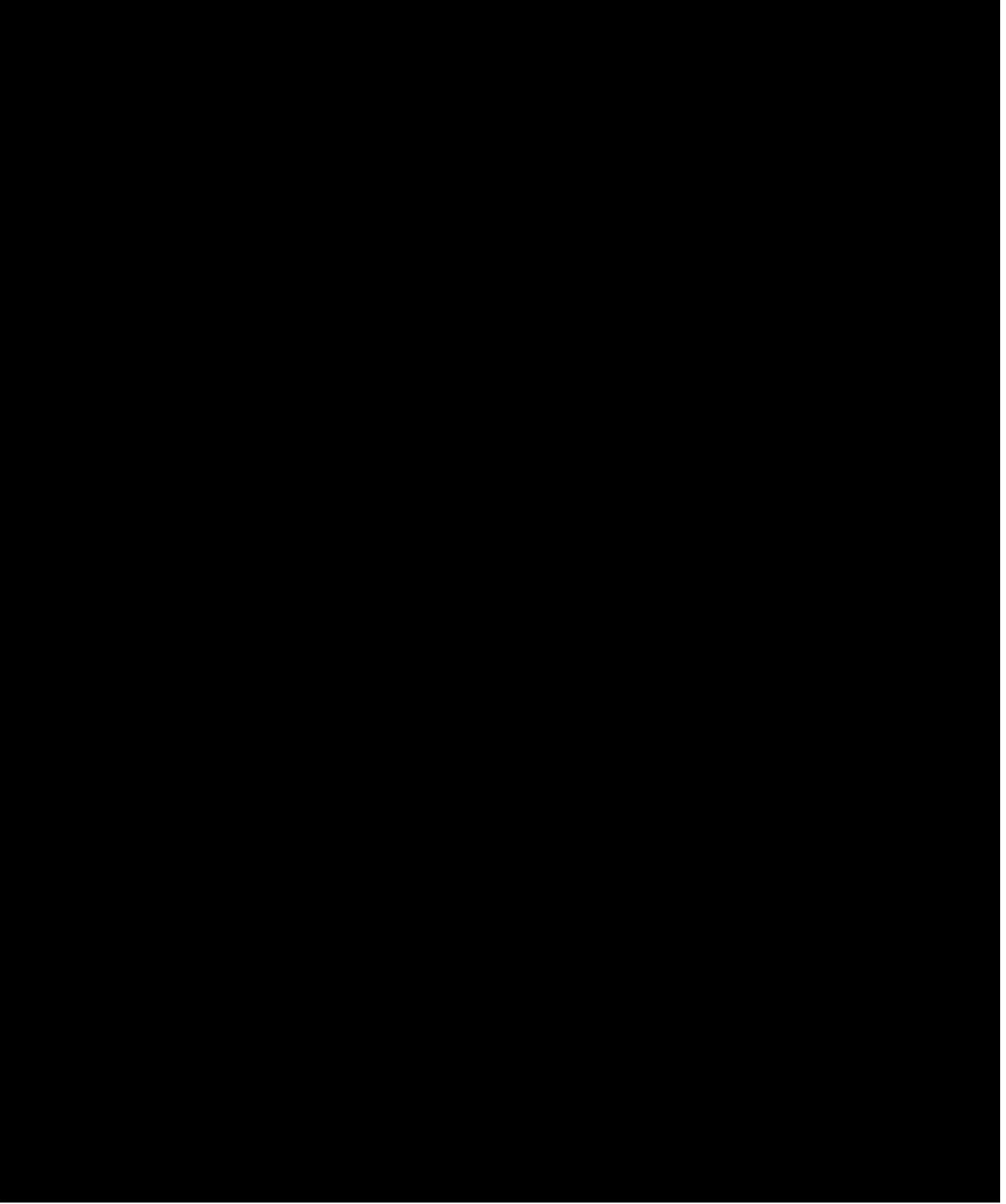
1. **Settlement Payment.** [REDACTED]



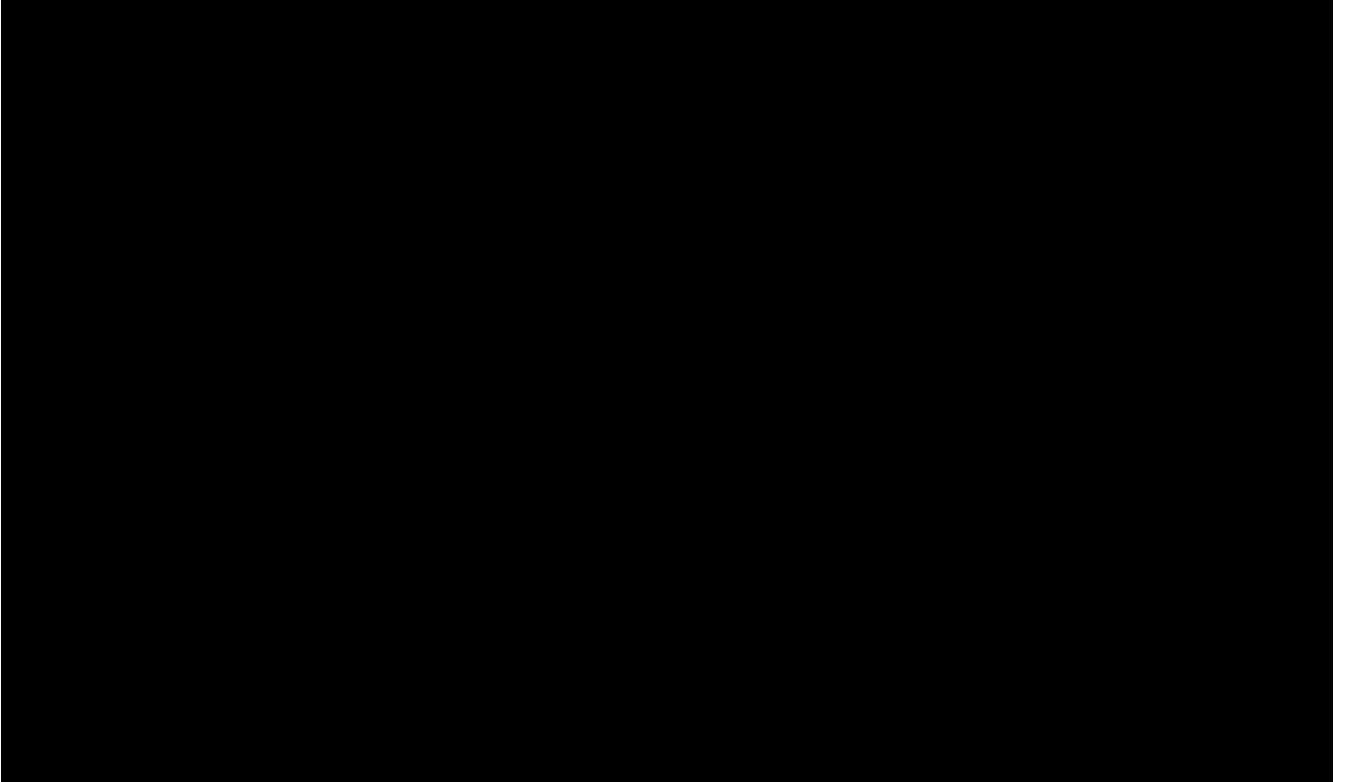
2. **Dismissal of the Legal Action with Prejudice.** [REDACTED]



3. **Mutual Release.** [REDACTED]



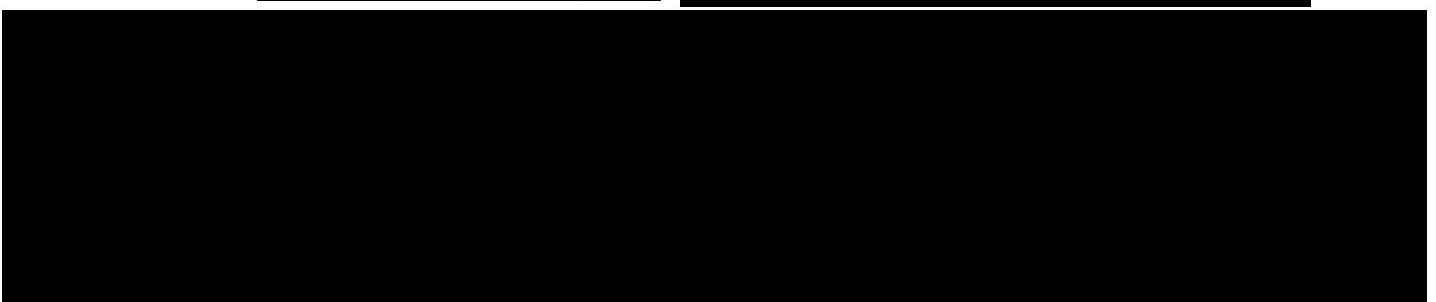
4. **Voluntary Execution and Review; Joint Drafting.** [REDACTED]



5. **Entire Agreement.** [REDACTED]



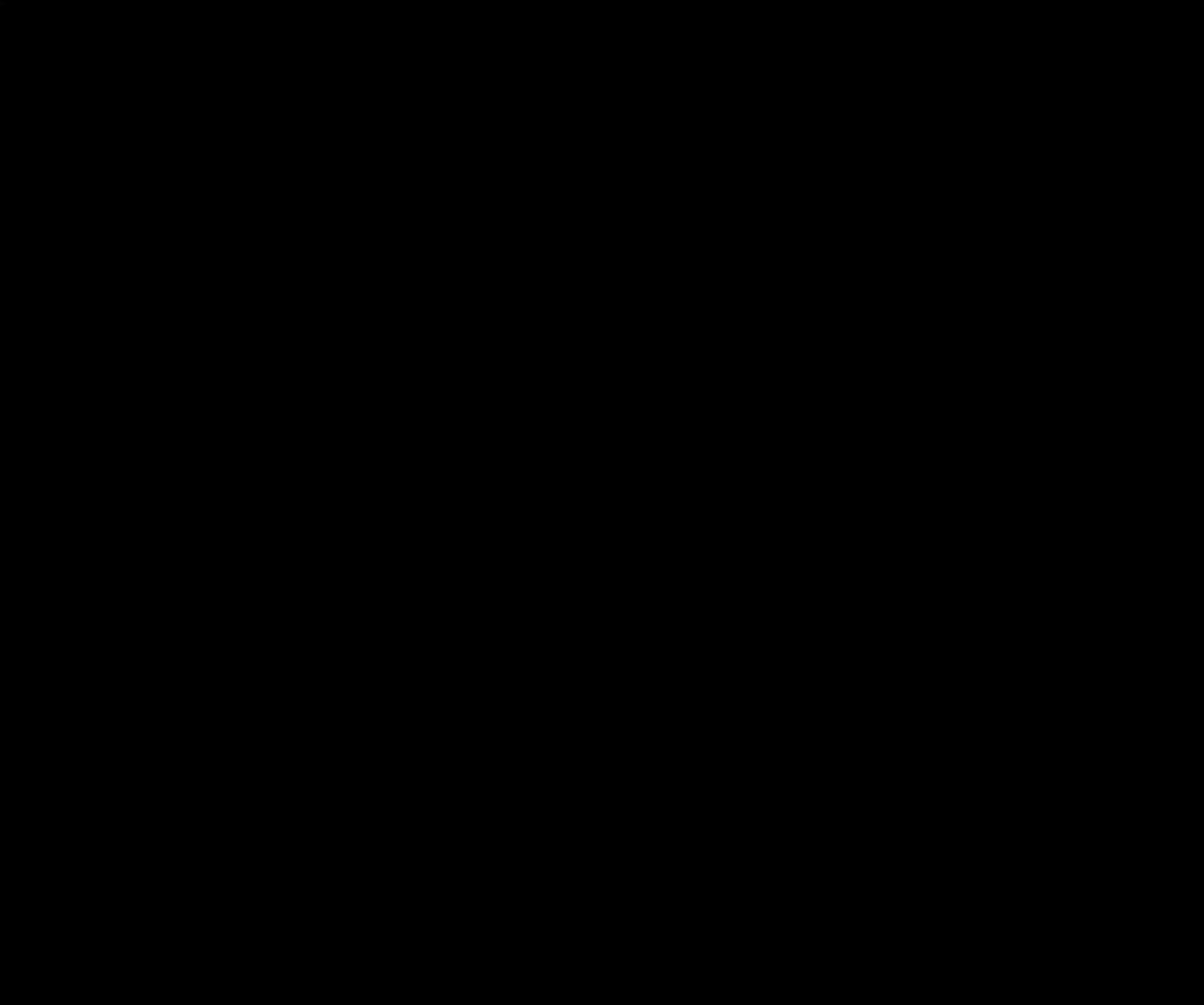
6. **No Admission of Wrongdoing.** [REDACTED]



7. **Amendments.** [REDACTED]



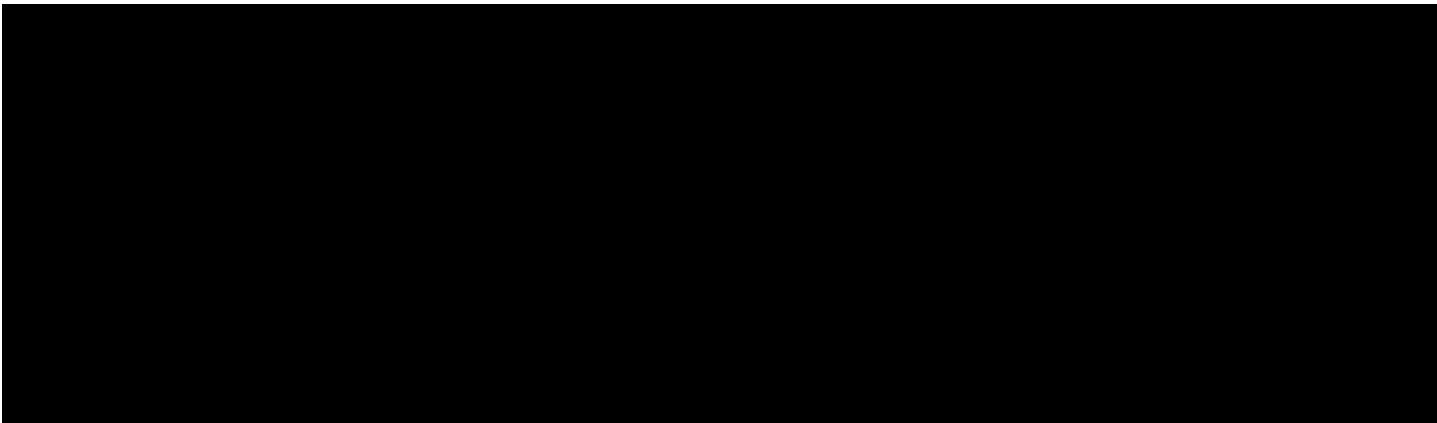
8. **Confidentiality and Mutual Non-Disclosure.** [REDACTED]



9. Counterparts. [REDACTED]

[REDACTED]

10. Attorneys' Fees. [REDACTED]



11. Governing Law. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]



IN WITNESS HEREOF, THE PARTIES hereto, by their duly authorized representatives as appropriate, have executed this **CONFIDENTIAL SETTLEMENT AND MUTUAL RELEASE AGREEMENT** as of the Execution Date.

YURI GARMASHOV

Date

**UNITED STATES PARACHUTE
ASSOCIATION, INC.**

**By: ALBERT BERCHTOLD
Executive Director**

Date

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YURI GARMASHOV,

Plaintiff,

vs.

UNITED STATES PARACHUTE
ASSOCIATION, INC.,

Defendant.

Case No.: 1:21-cv-04917-JGK-
OTW

**STIPULATION OF DISMISSAL
WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED pursuant to a confidential settlement and mutual release agreement entered into February 21, 2023, Plaintiff YURI GARMASHOV and Defendant UNITED STATES PARACHUTE ASSOCIATION, INC., through their respective undersigned counsel, file this joint stipulation dismissing, with prejudice and without costs to any party, pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii) all claims and counterclaims that were asserted or could have been asserted in the above captioned action.

IT IS FURTHER STIPULATED AND AGREED, that this Stipulation may be executed in counterparts and filed without further notice with the Clerk of the Court.

Dated: New York, New York
February 21, 2023

/s/
Eric Martin Underriner, Esq.
HALL BOOTH SMITH, P.C.
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